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File #: 167945

April 12, 2024

VIA ELECTRONIC FILING

Honorable Alphonso Arnold III
PA Public Utility Commission
Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Jeffrey W. Smiles v. PPL Electric Utilities Corporation
Docket No. C-2021-3026268

Your Honor:

On or about April 8, 2024, Jeffrey W. Smiles (“Complainant”) filed a “Motion For Continuance Of The Pre-Hearing Conference Scheduled For April 15, 2024 For Good Cause” in the above-captioned proceeding. In that Motion, the Complainant requested that the telephonic prehearing conference scheduled for 10:00 AM on April 15, 2024, be continued because he has a medical appointment scheduled for 8:30 AM on April 15, 2024.

PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) respectfully submits this Letter in Lieu of an Answer to the Motion.

From PPL Electric’s perspective, a telephonic prehearing conference is not necessary at this time. The Company’s Preliminary Objections to the Formal Complaint, which seek to dismiss the Complaint in its entirety, remain pending. Unless and until those Preliminary Objections are ruled on, a litigation schedule does not need to be established.

Moreover, on April 12, 2024, counsel for PPL Electric talked with the Complainant about whether the Complainant intends to continue litigating the Formal Complaint despite the Pennsylvania Supreme Court’s ruling in *Povacz v. Pa. PUC*, 280 A.3d 75 (Pa. 2022), where the Court held that Act 129 of 2008 mandates the installation of smart meters for all customers. PPL Electric’s understanding is that the Complainant has not reached a decision yet.

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Thus, PPL Electric respectfully requests that if the Complainant's Motion is granted, the telephonic prehearing conference not be rescheduled unless and until there is a ruling on the Company's Preliminary Objections.

Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Devin Ryan

DR/dmc
Enclosure

cc: Rosemary Chiavetta, Secretary
Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA E-MAIL & FIRST CLASS MAIL

Jeffrey Smiles
3049 Octagon Avenue
Sinking Spring, PA 19608
E-mail: jeffrsmil@peoplepc.com

Date: April 12, 2024



Devin T. Ryan